

## **MEETING 13 March 11**

At a Regular Meeting of the Madison County Board of Supervisors on March 11, 2008 at 3:00 p.m. in the Madison County Administrative Center Auditorium:

PRESENT: Eddie Dean, Chairman, Eddie Dean  
James L. Arrington, Vice-Chairman  
William L. Crigler, Member  
Bob Miller, Member  
Clark Powers, Member  
V. R. Shackelford, III, County Attorney.  
Lisa R. Kelley, County Administrator  
Jacqueline S. Frye, Secretary

Chairman, Eddie Dean called the meeting to order and announced that all members are present and a quorum was noted.

### **IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION**

Donald Gore, Resident Engineer, was present and provided the following report: brush is being cut in select locations where the brush is hanging over into the roadway; also have a contract to replace several pieces of piping in Madison County – also have a contract with “Vector” which will be opening pipes throughout Madison County (vacuum) within the next couple of months; also advised there will be some sign changes on Route 29 at the intersection of Routes 687, 634, 720 and 722; work will also be done at the intersection of Route 29 and Mountaineer Drive at the Madison County High School and Fairgrounds Road (i.e. installation of detectors to activate the signals – it has been denoted the detectors on the poles are not as efficient as deemed; however, these detectors will remain in place just in case the new detectors should fail.

Donald Gore provided a reply to Bob Miller’s question as to when Route 680 was placed on the Six Year Road Improvement Plan which was in 1997 and the right-of-way was attained in 2003.

Donald Gore also advised that funds on the for the Six Year Road Improvement Plan have been cut by 44% and will work with reductions in previous funding as well – he advised that Route 687 is being worked on at the present time and the first road on the Six Year Improvement Plan to be addressed will be Route 642 although he is unsure if the reduction in funding will be enough to complete the job and final improvement figures have not yet been composed; he also advised that Route 662

will be the next road for repair; he stated the Department has been advised that any construction money that is left over from other projects will be utilized for the aforementioned roads; however, he advised that some funds will have to remain as preliminary engineering funds for a couple of years.

Donald Gore advised that each road (Route 642 and 662) will need to be flown over during the spring (if not earlier) in order to install two-foot contours to determine storm water management facilities that will be needed on these roadways.

Bob Miller asked if these additions were a part of the cost increase of doing the pre-engineering work for these roads, to which Donald Gore agreed.

Donald Gore also advised the existing plan will be followed as written and that future plans will go back to being ten (10) to twelve (12) year plans and advised that future plan will be addressed within six –years (depending on available funding) and an auxiliary plan will be utilized from which information will be taken and added to the Six-Year Improvement Plan. Additionally the Department has advised that no additional roads will be added to the plan.

William L. Crigler asked if mowing will be contracted out again this year, to which Donald Gore advised the about eighteen (18) to twenty (20) contracts have been implemented for mowing, snow removal, tree removal/trimming, etc.)

Clark Powers asked if the trees would be trimmed in Nethers Mill, to which Donald Gore advised this is being investigated.

James L. Arrington asked if a contract will be attained for cleaning debris from the primary roadways in Madison County, to which Donald Gore advised a contract will be attained for trash removal in Madison County.

Lisa Kelley, County Administrator, advised that Donald Gore and staff from the Virginia Department of Transportation have been extremely helpful in assisting with Route 702 (Larkins' Mill) – she also advised that construction has begun at the site today and anticipates the project will be completed well in advance of the fiscal year.

Chairman, Eddie Dean explained the work being implemented at Route 702 (Larkins' Mill) to those in attendance and also advised that revenue sharing funds are being utilized for the improvements in lieu of a proffer made available by a developer for the project.

## **IN RE: PAYROLL & CLAIMS**

Chairman, Eddie Dean asked if there were any concerns about the Payroll & Claims Report as presented.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the warrants issued in satisfaction of payroll for February 2008 (Checks #30110275 through #30110283 and electronic transfer #8 totaling \$711,758.57, are hereby approved, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

On motion of James L. Arrington, seconded by William L. Crigler, the warrants issued in satisfaction of claims against the County for February 2008 (Checks 10127136 through #10127389) are hereby approved, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

## **IN RE: SUPPLEMENTAL APPROPRIATIONS FOR DECEMBER 2007**

Chairman, Eddie Dean stated the following supplemental appropriations for January 2008 will need to be approved by the Board.

- |    |                                  |                                    |              |
|----|----------------------------------|------------------------------------|--------------|
| 1. | Park & Recreation<br>#5690-71100 | Funds deposited for Youth Sports   | \$ 11,780.58 |
| 2. | Park & Recreation<br>#5691-71100 | Funds Deposited for Health Fitness | \$ 542.68    |
| 3. | Road Construction                | Funds Transferred to Road          | \$110,928.32 |

Recommendations of County Administrator:

- |    |              |                                 |             |
|----|--------------|---------------------------------|-------------|
| 1. | School Board | Teaching American History Grant | \$ 2,500.00 |
|----|--------------|---------------------------------|-------------|

**Total of all Supplements:     \$125,751.58**

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the Board approved the supplemental appropriations in the amount of **\$125,751.58**, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Chairman, Eddie Dean informed all in attendance that a draft if the County's 2008-2009 Budget is not yet available, but will be available on Wednesday morning if all goes well at the close of today's business.

**IN RE: MADISON COUNTY SCHOOLS**

Dr. Brenda Tanner, Superintendent, provided an update from the monthly Board meeting that took place last evening and advised the School Board did approve the 2008-2009 school calendar; she advised that an advisory group has worked very hard on the document and have built in two (2) make-up days for inclement weather; she also advised that a waiver has been submitted to the state in order for Madison County Schools to begin prior to Labor Day; also advised that a report was received on the summer school program – schedules will be posted accordingly in July 2008 – an additional year has been added to the end of the school calendar as a make-up day. She also advised she is pleased the Madison County Boys & Girls Club has opened feels the enrollment will steadily increase; also thanked Chairman, Eddie Dean and Bob Miller, Board member, for attending the meeting last week to discuss reports reported there was a discussion pertaining to the school improvement plan for two (2) schools, the progress of the Virtual Governor's School and the Facilities & Planning Committee report. She also advised that she has submitted dates to Lisa Kelley, County Administrator, for future meeting dates, as requested.

Chairman, Eddie Dean advised that he received a copy of the forwarded email that contained several dates – these will be discussed by the Board at a later time and report back.

**IN RE: MADISON FACILITIES & MAINTENANCE:**

Ross, Shifflett, Director of Facilities & Maintenance, was present and presented a monthly report to the Board; he advised that March is designated as the month that homeowners can deposit brush and yard debris to the Transfer Station without charge; he advised the In-Line Hockey group had their final event at the Madison County High School cafeteria on Saturday – they thanked the Madison County Board of Supervisors and the County Administrator for assisting in their program for the year.

Ross Shifflett also advised they are working on the annual Tour de Madison event which has been scheduled for May 17<sup>th</sup> and invited all to attend; he reported that tonnage is down just a bit at the Transfer Station (as is the same with surrounding localities).

**IN RE: MADISON DEPARTMENT OF SOCIAL SERVICES**

Nan Coppedge, Director of Social Services, was present and advised that the Madison County Boys & Girls Club officially opened last week at the Wetsel Middle School cafeteria from 3:30 p.m. to 7:30 p.m. – a grand opening celebration has been scheduled for Sunday, April 6, 2008 from 3:00 p.m. to 5:00 p.m. in the cafeteria of the Wetsel Middle School; she also advised an annual stakeholder's meeting for any organization/group/agency/individuals that work with families and children has been scheduled in the spring at Graves Mountain Lodge – invitations will be forwarded to all Board members as per Christy Cloniger; she also advised the new office at the Department of Social Services is completed and looks very nice; she also asked that information for the Department of Social Services be added to the County's website as adjustments are being made.

Bob Miller advised the site is being worked on at the present time and assured the information for the aforementioned department will be added.

**IN RE: MADISON CHAMBER OF COMMERCE**

Tracey Williams, Tourism Coordinator, provided the following report for February 2008; there was one (1) application during the month for membership (new business); also advised the Cooperative Living magazine had a story on Madison County (Down Home In Madison) and several emails and verbal inquiries have been received in response to the story; March newsletter has gone out; first mixer of the year has been

scheduled for March 20, 2008 sponsored by Sure Site Satellite at the Club in Malvern Subdivision; there are (21) businesses lined up for the upcoming Business Expo on May 15, 2008; plans are still underway for the “Living Towns” workshop in Madison – trying to line up the Kemper Mansion to host a reception; visitors center had (62) visitors in February and website had over (5,300) hits; Three Angels Chorale from Hartland Institute plans to put on a concert at the Hebron Lutheran Church this year in May 2008; the brochure for the Tour de Madison event has been added to the Chamber website; also sent out request letters and entertainment contracts for the Madison Taste of the Mountains festival.

#### **IN RE: MADISON E-911 CENTER**

Robert Finks, E-911 Coordinator, provided the following report for the month of February 2008: (497) 911 calls; (313) were from home phones; (184) from cell phone; (16) hang-ups; (10) misdials; (2) open lines; and (26) alarm calls; he advised that an independent study was done on the 911 System for the entire USA and “it failed.” He read some highlighted points contained in the report which indicated that “policy makers must recognized that the system is stressed to its limits and change is required.....it is hoped this report will draw attention to the importance of coordinated decision making and improved funding models and upgrading the state of the 911 System capabilities in the United States; the 911 System has not kept pace with the nation’s rapidly changing communication habits....it is critical that the state’s government appreciate and seek to demonstrate to localities, the value of mixed generation technologies.” He advised the “mixed generation technology” is based on the shooting episode that occurred earlier at VA Tech during which time several students sent text messages to the 911 Center by cell phone; however, 911 Centers cannot accept a text message in any locality (i.e. pagers, blackbirds, etc.); he advised that he feels the government will request that 911 Centers be “redone” and feels the local legislators should be contacted to ensure that Madison County doesn’t get those “unfunded mandates.”

Chairman, Eddie Dean asked if there was any input as to how localities can accomplish these changes, to which Robert Finks advised that none was noted.

## **IN RE: EMERGENCY MANAGEMENT SERVICES**

Carl Pumphrey, EMS Coordinator, provided a report of all activities for the month of February 2008; he also advised that a small hazmat call was received that involved a small petroleum spill from a major vehicle accident; however, the incident occurred on private property and was handled as an insurance issue for the landowner.

William L. Crigler asked if there was any information received regarding the impending training.

Carl Pumphrey advised that no date has been scheduled as of yet as there was an unfortunate incident involving a supervisor.

## **IN RE: MADISON EMERGENCY MEDICAL SERVICES**

Lewis Jenkins, EMS Coordinator, provided the following report for February 2008:

1. Total Calls toned: 87
2. Total calls handled: 78
3. Total calls no response (9) [(5) Greene; (3) Orange; (1) Culpeper for mutual aide assistance were not answered due to no available staff)
4. Average in-County response time to the scene: (9) minutes
5. Night coverage: Eleven hours of night coverage on (13) nights
6. Total calls handled: 13

Lewis Jenkins advised that skills training took place by Dr. Brady, six (6) members of the Pegasus helicopter crew assisted – everyone was well elevated at multiple stations; Kevin Hertzler, Robin Clark and Jason Inofuentes had training during the month and Robin Clark attained his EMT Instructor certification and is helping teach the current EMT classes in the County; Andy Anderson has returned to fill the full-time vacancy; however, Billy Hamm has resigned from his part-time position.

William L. Crigler asked about a future CPR class as discussed at a recent meeting.

Lewis Jenkins advised that EMS will coordinate a CPR class during EMS Week in May and he is hoping to host a class during that time frame.

Lewis Jenkins also advised there was an incident over the weekend during which time a citizen suffered from a cardiac arrest; however, he advised when EMS staff arrived at the scene, there was a Madison County Deputy on the scene performing CPR on the citizen – he advised that his department is in the process of

writing a letter of thanks to the Deputy and also wanted to advise the Madison County Board of Supervisors.

**IN RE: MADISON COUNTY SHERIFF'S DEPARTMENT**

Randolph Jenkins, Chief, was present and provided the following report for February 2008:

Total calls received:	839
Criminal Arrests:	26
Civil Process Served:	323
Days in Court:	13
Animal Control Calls:	79

**IN RE: MADISON VOLUNTEER RESCUE SQUAD**

William L. Crigler read the following report for the Madison Volunteer Rescue Squad for February 2008:

54 patient emergencies  
 7 dispatched (cancelled)  
 1 public service  
3 mutual aides (unable to respond)  
 66 total calls ([64] total dispatched calls)

**IN RE: MADISON COUNTY TREASURER'S OFFICE**

Stephanie Murray, Treasurer, was present and advised that an error occurred during the month as dog tag information was included with the County decal information that was mailed to citizens during the month; she explained how the incident occurred (RDA System) and advised this will be corrected and should not occur in the future.

**IN RE: BOND RELEASE REQUEST(S)**

Lisa Kelley, County Administrator, received a letter from Brian Daniel, Erosion & Sedimentation Administrator, requesting the release of the erosion and sediment control bond totaling \$1,400.00 for the construction of a pole building as performed by David Thompson; it has been noted that all site work has been completed and the site has been stabilized with permanent vegetation and gravel as according to the erosion control plans.



After discussion, on motion of James L. Arrington, seconded by Clark Powers, the aforementioned erosion and sediment control bond totaling \$1,400.00 is released, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

**IN RE: PARK & RECREATION AUTHORITY (REAPPOINTMENT)**

Chairman, Eddie Dean stated a Resolution will need to be approved to reappoint members to the Park & Recreation Authority.

Lisa Kelley, County Administrator, explained that terms have been adjusted so that membership will be staggered; she also read documents from the initial meeting of the Park & Recreation Authority (1982) and advised that new terms will be slightly shorter than the original four (4) years.

**RESOLUTION**

WHEREAS, the Madison Parks and Recreation Authority was formed in 1982 by the County Board of Supervisors, and the Authority consists of seven (7) members appointed by the Board to serve terms of four (4) years each, and

WHEREAS, the terms of several members of the Authority have expired, and although each member has continued to serve and is authorized to serve until reappointment or replaced, it is necessary for the Board to formally make the reappointments;

NOW, THEREFORE, the Board of Supervisors does hereby appoint and reappoint the following individuals to serve on the Madison Park and Recreation Authority for the terms indicated below.

<u>Member</u>	<u>Term Expires</u>
Jeffrey N. Tucker	December 13, 2010
Jesse L. Yowell, Jr.	December 13, 2010
Tim Taylor	December 13, 2010
Kenneth W. Smith	December 13, 2010

Adopted this 11<sup>th</sup> day of March, 2008, by the Madison County Board of Supervisors.

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Eddie Dean, Chairman  
Madison County Board of Supervisors

	Aye	Nay	Abstain	Absent
Eddie Dean	<u>x</u>	_____	_____	_____
James L. Arrington	<u>x</u>	_____	_____	_____
William L. Crigler	<u>x</u>	_____	_____	_____
Bob Miller	<u>x</u>	_____	_____	_____
Clark Powers	<u>x</u>	_____	_____	_____

Attest: \_\_\_\_\_  
 Lisa R. Kelley, County Administrator/Clerk to the Board

After discussion, on motion of Clark Powers, seconded by Bob Miller, the aforementioned Resolution is approved to reappoint the four (4) members to the Madison County Park & Recreation Authority with adjusted terms ending December 13, 2010, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

#### **IN RE: PUBLIC COMMENT**

Chairman, Eddie Dean opened the floor for public comment, to which there was none at this time.

#### **IN RE: MINUTES**

Chairman, Eddie Dean advised that Minutes (#7, #8, #9, #10 and #11) of previous meeting will need to be approved.

After discussion, on motion James L. Arrington, seconded by Bob Miller, Minutes #7, #8, #9, page 200 through 230, and #11, page 232 through 233, were adopted as presented and spread in Minute Book #17, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, Minutes #10 were approved as presented and spread in Minute Book #17, page 231 through 232, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Abstain

## **COMMITTEE REPORTS – OLD BUSINESS/NEW BUSINESS**

### **MADISON COUNTY 2008-2009 DRAFT BUDGET**

Lisa Kelley, County Administrator, stated the Board will need to schedule workshop sessions to discuss the draft budget on Monday, March 17, 2008 and Tuesday, March 18, 2008 and to also plan a session for Friday, March 21, 2008 just in case there are final matters that will need to be addressed prior to the public notice being completed and published in the Madison Eagle.

After discussion, the Board agreed to meet on Monday 3/17/08, Tuesday 3/18/08, and Friday, 3/21/08, beginning at 9:30 a.m. at 302 Thrift.

Chairman, Eddie Dean advised it might be best to continue today's meeting to Monday, March 17, 2008 at 9:30 a.m. and then continue future meetings after each session, if needed.

### **MADISON COUNTY ELECTORAL ROAD**

Lisa Kelley, County Administrator, advised she will still need to continue working with the Madison County Electoral Board to determine the exact days the conference room at Thrift Road will (will not) be available prior to the Town Election in Madison County in May 2008; she advised it is anticipated the Board will need to change the location of the April Workshop Session at 414 N. Main Street.

After discussion, on motion of William L. Crigler, seconded by Bob Miller, the Board voted to move the April Board Workshop Session to 414 N. Main Street in Madison County, Virginia beginning at 2:00 p.m. on Thursday, April 24, 2008, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye

Bob Miller	Aye
Clark Powers	Aye

Lisa Kelley, County Administrator, stated that she will also need to verify with the Voter Registrar of the actual date of the Town election, to which Chairman, Eddie Dean advised the date will be May 6, 2008.

In closing, Lisa Kelley, County Administrator, advised that she will report of other days which the County Registrar proposes to need the conference room.

### **SCHOOL BOARD MEETING**

James L. Arrington asked if a date has been scheduled for the meeting with the Madison County School Board, to which Chairman, Eddie Dean advised as follows:

Tuesday, March 26, 2008 @ 7:00 p.m.

Monday, March 31, 2008 @ 6:00 p.m.

After discussion, the Board determined that Wednesday, March 26, 2008 @ 7:00 p.m. appears to be the most feasible date – meeting will take place at 302 Thrift Road.

### **VIRGINIA BROADBAND MEETING**

Lisa Kelley, County Administrator, advised that she will attend a meeting on Wednesday, March 12, 2008 in Rappahannock County at 2:00 p.m. to discuss broadband issues and work on a joint procurement document to retain consultant to perform the initial feasibility study for the locality(ies); discussions will also focus on requirements as indicated by the Department of Housing & Community Development to establish a management team that will consist of stakeholders (slots range from a variety of backgrounds); however, it will be a task to find individuals from the various backgrounds needed who will have time to attend all the meetings – therefore, it has been suggested that a joint management committee to consist of citizens from Madison and Rappahannock to fill the different slots (i.e. Health Department, Medical, Business, etc.).

### **VERIZON TOWERS**

Chairman, Eddie Dean stated there were discussions at the recent Joint Meeting about the towers that Verizon was proposing for Madison County and he

wondered whether Verizon would be offering telephone and broadband services off the proposed towers and also what their overall intention is for Madison County.

Lisa Kelley, County Administrator, advised there have been several meetings with representatives of Verizon and they have presented their views; however, there has been no specifics provided regarding any engineering data (plans) for the towers and where the build-out will need to be situated in the County; she was unsure of the total number of towers being proposed at build-out – they have advised they will also be able to provide service in the areas in which they propose to co-locate.

V. R. Shackelford, III, County Attorney stated that a video exists that shows possible location of towers, although no communication with any property owners has taken place to date; he also advised the video also identified that two (2) more towers will be situated on Route 29, one (1) in Wolftown, and one (1) along Route 231 and the presentation also showed that although the application is for two (2) towers, Verizon doesn't propose to turn on service in Madison County until all towers are ready to be turned.

V. R. Shackelford, III, County Attorney, stated he believes the FCC requires that Verizon must provide service to the entire County of Madison; however, he does believe that licensure has been provided at this point.

Lisa Kelley, County Administrator, advised that she believed licensure was attained for regions instead of any one particular locality; she also stated that it cannot be determined at this point whether the existing towers incorporated with the proposed technological changes will be able to accommodate coverage along Route 29 for the various technologies with the usage of anything else. Additionally, she advised that Verizon hasn't provided enough scientific information to review in order to develop a conclusion regarding their request.

Chairman, Eddie Dean advised that the County's Ordinance specifies that all "towers must be activated within one (1) year); to which V. R. Shackelford, III, County Attorney, clarified was only a condition (not contained in the actual Ordinance); he stated the applicant is actually doing a good will as towers are very expensive; however, it is unclear as to whether the proposed towers will provide the technology that is being verbalized.

Bob Miller asked if the structures discussed in the video were 199 feet in height, to which V. R. Shackelford, III, County Attorney, stated “no.”

Lisa Kelley, County Administrator, stated the comment in the video stated the height of the tower(s) will depend on the terrain.

Bob Miller stated he has the impression that much of the conversation about the proposed towers appears to primarily focus on roadway service and not citizen service in Madison County; he feels the County is being asked to provide service to transient traffic that comes through Madison County and not necessarily to those who reside within the boundaries of the County.

Lisa Kelley, County Administrator, suggested the County ‘modernize’ the County Ordinance with regard to special use permits and possibly put a bond in place with regard to require that towers be constructed in an allotted amount of time; she also advised the County can include specifications that such towers will be serving the entire community of Madison County and not just people on the open road.

Robert Finks stated he feels that Verizon is being half truthful with the request they are presenting to the County; he provided an overview of what FCC regulations require and feels that Verizon is “riding the requirements” as a means to provide service to those traveling along Route 29 so their “blackberry’s” will work; he advised the frequencies along Route 29 will primarily provide internet and PDA coverage – he also asked what the County charges to have a tower constructed.

V. R. Shackelford, III, County Attorney, stated the State Corporation Commission sends an assessment of the structure to the County Treasurer; however, he stated he is not convinced the process is actually up-to-date.

Robert Finks stated it appears that when towers are constructed in Madison County, this process actually adds more to the County’s infrastructures and the County ends up paying in order for travelers to have cell coverage riding on Route 29 through the County.

Bob Miller advised that he researched this issue a couple years ago and it appears the average tower pays about \$1,200.00 in taxes to the County annually.

Robert Finks advised he feels that Verizon had already plotted out Madison County for their own specific gain.

V. R. Shackelford, III, County Attorney, stated that representatives from Verizon will be attending the Madison County Planning Commission Workshop Session on Wednesday, March 19, 2008 @ 7:30 p.m. – he advised they will be making a presentation of their case and suggested members of the Board attend.

Lisa Kelley, County Administrator, advised there a number of issues and feels the types of technology Verizon proposes to provide and the number of towers is a factor.

Bob Miller advised that he feels it would be better to have companies build eighty (80') foot to one-hundred (100') foot towers to serve the local citizens.

**IN RE: PUBLIC COMMENT**

Khalil Hassan was present and comment on the cell towers being proposed for Madison County; he also suggested the County review the Comprehensive Plan about preserving the view of the County (cell tower near his home in Criglersville distracts from the scenic view) – although the tower located on Route 211 is not noticeable (silo) and he would prefer to see silos along Route 29 than monopoles as they (monopoles) do not easily fit into the scenery. Additionally, he asked if there was any specifics in that “towers” had to be erected as they are viable alternatives – the technology is available and it appears that Verizon (or another entity) will come with the cheapest option as possible; he also stressed the Madison County Board of Supervisors to look at the visual aspect being proposed as he feels there will be an extensive number of proposed towers and suggested the County look at the carrying capacity.

Khalil Hassan also expressed concerns about the usage of biosolids throughout the County and strongly suggested the Board look into developing a Biosolids Ordinance for Madison County. He also provided an overview of agricultural concerns in Augusta, Georgia with intoxication of animals affected by biosolids being flushed off the land and entering streams, lakes, etc. Additionally, he verbalized concerns as to whether run off of biosolids could possibly cause contamination to the Chesapeake Watershed and feels the elected officials should be equally concerned about the safety and general welfare of the local citizens.

Jo Bonds was present and asked if the Board had made a decision about honoring Ms. Louise Aylor for the dedicated service she provided to the citizens of Madison County during her tenure at the Madison Health Department.

Chairman, Eddie Dean advised that a decision has not yet been made on this issue; however, the Board has considered forming a review group to adhere to these types of requests; he also advised the focus during the past few weeks has been on the 2008-2009 Budget and the Board will get back to the matter and come to a decision.

Ms. Bonds advised that Ms. Aylor's health is failing and asked that something please be done soon; in closing, she thanked the Board for their consideration.

Chairman, Eddie Dean recessed the meeting for five (5) minutes.

Chairman, Eddie Dean reconvened the meeting.

Chairman, Eddie Dean stated that Mrs. Louise Aylor was working at the Madison Health Department for many years until she was no longer physically able to do so; he advised that staff at the Madison Health Department are asking that the building be named in her honor; however, he suggested possibly naming a "clinic" or a "room" at the facility in her honor for the years of dedicated service she provided to the community.

In closing, Chairman, Eddie Dean suggested the Board also look at other opportunities within the community to honor citizens who have contributed great works.

James L. Arrington stated there are several clinics and/or treatment rooms in the Madison Health Department that may be fitting for this cause.

Chairman, Eddie Dean suggested the Board agree on having an area in the facility named in the honor of Ms. Aylor and authorize Lisa Kelley, County Administrator, work with the Madison Health Department staff to coordinate the effort and attain a plaque.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the Board authorized to have an area of the Madison Health Department (clinic or office) named in honor of Ms. Louise Aylor for the many years of dedicated service she has provided to the citizens of Madison County, and also authorized Lisa Kelley, County Administrator, to work with the staff to coordinate the aforementioned effort, with the following vote recorded:



Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Lisa Kelley, County Administrator, advised that she received a telephone call from Dwayne Dixon, Sanitarian, and Charles Sheppard with regard to a state funding issue; they advised in order to not lose local funding, the Virginia Department of Health will be requiring Dwayne Dixon to devote half of his work time to the Charlottesville, Virginia area approving health certificates for the local restaurants; therefore Dwayne Dixon wanted to make the Madison County Board of Supervisors aware that he will do the best he can to continue to keep up with any business in Madison County that he may need to review (i.e. site plans, etc.). Additionally, she advised that Charles Sheppard advised the Sanitarian in Rappahannock County and another locality have back-up personnel that can assist should something become urgently needed during the time that Dwayne Dixon may be in Charlottesville, Virginia.

In closing, Lisa Kelley, County Administrator, advised there has not been a definite time frame noted on how Dwayne Dixon's work time will be split; however, this arrangement will need to be accommodated in order to prevent lay-offs for any personnel during this time.

Bob Miller asked if this was a temporary situation, to which Lisa Kelley, County Administrator, advised will be at least for the next fiscal year.

Bob Miller asked what funding the County provides (i.e. car, expenses, etc.).

Lisa Kelley, County Administrator, advised that the County provides an amount to the Virginia Department of Health to reimburse them for costs associated with having a local health department in Madison County; however, the cost is not broken down by position; additionally, the department assures that functions will be maintained but there is no reimbursement for staff at the facility or any personal expenses.

William L. Crigler asked if Dwayne Dixon will be the only restaurant inspector in Charlottesville, Virginia.

Lisa Kelley, County Administrator, advised that she did not think he will be the only one; she advised they have either lost personnel or there isn't enough personnel to keep up with the demand; basically, in terms of funding provided by Charlottesville, the locality can utilize half of his time as per their agreement with the Virginia Department of Health.

Bob Miller asked if choosing Dwayne Dixon for this assignment was based on skill level and if so, does this have a bearing as to why staff isn't being utilized from localities that are in close proximity of Charlottesville, Virginia.

Lisa Kelley, County Administrator, advised that she did not know the specifics as to how the decision was made; however, she did advise that Dwayne Dixon has to receive training in order to be able to accomplish the task that has been placed upon him.

Chairman, Eddie Dean stated the past contribution made by the County to the Madison Health Department was \$155,000.00.

Bob Miller stated there is a septic and application fee collected and whether this is applied to offset the expense.

Chairman, Eddie Dean stated he was unsure if the County collects these fees and feels it might be collected by the State rather than the County, to which Lisa Kelley, County Administrator, agreed.

Lisa Kelley, County Administrator, advised the Virginia Department of Health sends an annual request to the County which denotes the costs associated with running a local office in Madison County for the fiscal year which contains no specific breakdown for the requested funding.

James L. Arrington asked if there is a fluctuation in the annual contribution, to which Chairman, Eddie Dean advised the amount has increased annually over the past several years (i.e. \$134,000.00 in 2004-2005; \$139,000.00 in 2005-2006; and \$150,000.00 in 2006-2007; and \$155,000.00 in 2007-2008).

Chairman, Eddie Dean also advised a line item for the Virginia Department of Health revenue source shows that \$2,000.00 was reimbursed to Madison County during the 2005-2006 fiscal year; he also advised there was a total of \$40,000.00 paid to Madison County.

V. R. Shackelford, III, County Attorney, advised that at one time, localities did receive part of the proceeds the Virginia Health Department received for permits and other services provided; however, that has long since changed. .

Lisa Kelley, County Administrator, advised that Dwayne Dixon has continued to perform services for Madison County that is normally contracted out in other localities.

Chairman, Eddie Dean also advised that \$33,500.00 was received during the 2007-2008 fiscal year from the Virginia Department of Health for rent of the facility.

Bob Miller asked if the rent was part of the funding contract, to which Lisa Kelley, County Administrator, advised they were separate – the funding request that is received is strictly from the Virginia Department of Health and establishes funding required for them to operate the local Health Department in the County of Madison.

Several Board members conversed as to whether the rent should be increased as a means of offsetting the funding request being submitted by the Virginia Department of Health on an annual basis.

Lisa Kelley, County Administrator, stated that she would converse with V. R. Shackelford, III, County Attorney, to gain knowledge of the verbiage denoted in the original contract and whether there are any restrictions as to how much and how often the rent can be increased.

Chairman, Eddie Dean stated that he met with town representatives of the Madison Town Council last week and they requested the County allocate \$20,000.00 in the 2008-2009 County Budget as matching funds for the next phase of the Main Street Project – they voted for the Town of Madison to fund \$47,000.00 which will leave a shortage of \$20,000.00.

Chairman, Eddie Dean advised that during the last Main Street meeting, Mayor Willie Lamar suggested the Town of Madison fund one-third, the County of Madison fund one-third, and the Chamber of Commerce to fund one-third.

Bob Miller commented that the County of Madison funds the Chamber of Commerce and questioned the strategy that has been imposed.

Chairman, Eddie Dean advised there was also discussion about the next phase and the Main Street Committee feels that curbing and guttering should be implemented for the project from the Methodist Church to the Pizza Palace on Main Street; there was also discussion about relocating the power lines underground – however, it is felt there will not be sufficient funding to accomplish this task from one end of the Courthouse to the other.

Lisa Kelley, County Administrator, advised that the latter concern was not included in the funding and the existing grant mainly focuses on streetscape improvements (i.e. sidewalks, curbing, guttering) and if funding is leftover, additional landscaping improvements can be implemented along the Main Street .

James L. Arrington questioned whether the sidewalks past the Courthouse were in that poor condition.

Bob Miller stated there are some sidewalks that do not have any curbing.

Chairman, Eddie Dean stated there are some areas of sidewalk that are not wide enough.

There was a brief discussion about the matching funds for the grant, to which Lisa Kelley, County Administrator, advised the amount is either \$20,000.00 or \$25,000.00.

#### **IN RE: TRIGON DEVELOPMENT (Fox ridge Subdivision)**

Bob Miller verbalized concerns about erroneous letters that were sent to the residents of Fox ridge Subdivision from Trigon Development that contained information that either they contact their local Board of Supervisors to discuss the proposal of rezoning from R-1 to A-3 or there would be “170-unit apartment houses built on the property,” Additionally, he feels the letter was sent to intimidate the residents; he advised that he returned a telephone call to a resident that sent an email to the County – the resident was more than willing to gain a broader knowledge of what the application presented by Trigon Development was about as well as an in-depth background of the case.

In closing, Bob Miller advised there will probably be several residents from the subdivision present at the evening session to provide their ideas pertaining the

rezoning request; he also stated that he informed a resident of options discussed during the initial site visit which included scaling back and rezoning for the R-3 and build fourteen (14) units only.

James L. Arrington advised that he also received two (2) telephone calls pertaining to the Trigon Development application; he stated he doesn't know where residents figured that 170 apartments would be constructed on the property.

Bob Miller explained the proffers that were in place within Madison County during the late 70's through the early 80's and stated verbiage was contained in the Ordinance that concluded that "no more than 170 units would be built" – there are currently three (3) members on the Madison County Planning Commission today that were on the commission and Board of Supervisors twenty (20) years ago (Mary Breeden, David Jones and Rodney Lillard) when the County's Ordinance would have allowed 350 units to be built on the property at the subdivision; however, he believes a decision was made to cut the amount in half, thus coming up with 170 units. He also verbalized his theory on how the existing conclusion was attained (i.e. setbacks, side yardage) to determine exactly how many units could be constructed on the property which came to about 140 units.

In closing, Bob Miller questioned whether Trigon Development would actually built apartment housing; however, they have built one in downtown Culpeper (four-unit); however, he doesn't recall them ever building an apartment complex and feels they are "bluffing" their request and feels the Board should request a fiscal impact study from Trigon Development (for 170 units versus 26 housing units), as this project request will definitely have a fiscal impact on Madison County.

William L. Crigler asked if such a study has been requested in the past, to which Bob Miller advised was done on a recent property designated for mixed use/commercial (100 townhouses, age restricted)) – the study was forwarded to Lisa Kelley, County Administrator.

William L. Crigler stated that he did not want the Board to be placed in the position making the request difficult for the applicant by changing any standard policies; he feels the Board should have something in place specifically designed to deal with requests such as these.

Lisa Kelley, County Administrator, advised that similar provisions have been incorporated; however there might be some details about this specific application that may warrant the Board to attain more information before an ultimate decision can be achieved with regard to the proposed zoning request.

James L. Arrington asked for a clarification as to what he fiscal impact study would provide to the Board, to which Lisa Kelley, County Administrator, advised that the County's Zoning Ordinance provides the Board with the opportunity to determine what additional can be requested from the applicant(s).

V. R. Shackelford, III, County Attorney, also provided some input pertaining to verbiage contained in the County's Zoning Ordinance.

Lisa Kelley, County Administrator, advised that John "Butch" Davies had contended that circumstances had changed with regard to the applicants request; however, she advised it might be a reasonable option for all information to be reviewed.

Chairman, Eddie Dean stated he had concerns with regard to a portion of the letter.

Bob Miller continued providing further information from the Zoning Ordinance from the 1980's with regard to mixed use (mixed housing types) was a desirable thing in the existing Fox ridge subdivision neighborhood, whether it be A-1, R-1 R-3, B-1, and M-1; however, it appears that John "Butch" Davies has made a point that mixed housing type(s) is not being requested but only "single family housing" is being requested and this did not appear to be the intention of the Madison County Planning Commission twenty (20) years ago. Additionally, the only condition that has changed to date is the fact there are no sewer taps available for that area which is required for R-3 zoned land to be developed.

Bob Miller also commented that a property owner is responsible to purchase EDU's for property when it is being rezoned in order to perform future building on the property; however, this has not been done on the property in the Fox ridge Subdivision and there are no more EDU's available.

In closing, he advised that Mr. Thompson has come before the Board and discussed concerns about paying taxes on the property; however, the entire property [(78) acres zoned as zoned A-1 and (27) acres is zoned as R-3] has bee assessed as an A-

1 property and there is no accounting for the difference in development. Additionally, Bob Miller asked the Commissioner of the Revenue why the property is assessed at a different value.

James L. Arrington asked for a clarification on the request (i.e. boundary adjustment in the event of rezoning, cut property into (2) tracks, and submit the request as (2) applications for development of (14) lots each). Additionally, he stated if rezoning is approved with regard to the existing request)

V. R. Shackelford, III, County Attorney, made reference to the wording contained in the existing County Zoning Ordinance that pertains to subdivisions; he also advised the applicant now plans to subdivide the property into (2) separate areas and there will not be a boundary line adjustment.

In closing, V. R. Shackelford, III, County Attorney, stated the wording in the document might contain a “loophole” which may need to be changed; he also commented on the requirements for minimum lot size and feels the applicant’s proposal is allowable by law.

Chairman, Eddie Dean stated he has concerns pertaining to wording found in the second sentence of the proffers presented by the applicant (i.e. “an effort has been made to revise the proffer so the total number of lots developed is [26] – this includes [3] lots and a residue on the A-1 land which, with [22] lots to be developed on land which is being rezoned]; therefore, he asked if the County is approving a subdivision of (3) lots and a residue in A-1, doesn’t the County require a plat showing the lots?

V. R. Shackelford, III, County Attorney, advised the applicant is prepared to provide plats.

Chairman, Eddie Dean asked if the number of lots will be established at [26] he feels the County is creating “something” that will allow the applicant to return and say “that’s [26]” and this may well be a loophole.

V. R. Shackelford, III, County Attorney, stated the maximum lots to be built appear to be [26] (maximum of [22] in the R-1 zone and a maximum of [4] in what will be left in the A-1 zone).

Chairman, Eddie Dean advised the aforementioned request doesn’t appear to be a rezoning, but, in fact, a subdivision.

V. R. Shackelford, III, County Attorney, advised the applicant will then have to come forth with a subdivision request.

V. R. Shackelford, III, County Attorney, commented on the subdivision lot ([4] in [10] years) and advised if the applicant waited to divide in 4-10, there is actually enough acreage to accommodate this.

In closing, Chairman, Eddie Dean raised concerns that the County needs to see what the applicant has in order prior to approving any proposals.

Clark Powers advised that he went to look at the site and if the proposal is for (26) houses, the roadway will not be able to accommodate the additional traffic caused by the additional traffic.

Chairman, Eddie Dean stated the Virginia Department of Transportation does not feel the additional traffic will create any problems.

James L. Arrington asked if the determination being presented by the Virginia Department of Transportation would have a significant impact with regard to the Board's decision about whether to move forward with the applicant's proposal.

V. R. Shackelford, III, County Attorney, advised against rejecting the applicant's request only based on the perceptions demonstrated by the Virginia Department of Transportation; he also reiterated the A-1 property is not a part of the rezoning request, to which Chairman, Eddie Dean concurred and cannot be considered in this case.

Bob Miller referenced a comment made in the letter written by John "Butch" Davies with regard to the Madison Comprehensive Plan stating that "taking land out of R-3 and down-zoning as being a 'good thing'" and that it is deemed that not much has changed for conditions in the area. Additionally, he indicated the original statement on behalf of the Madison County Planning Commission and adopted by the Madison County Board of Supervisors many years ago on the approval of the R-3 property was for multi-family and single family, mixed usage in the area.

In closing, Bob Miller asked if there was anything denoted in the proffers that warranted a significant financial contribution to Madison County and indicated.



Lisa Kelley, County Administrator, stated the County does not have an Ordinance that authorizes cash coffers.

There was also a brief discussion about the funds provided for Larkins Mill on behalf of the landowner to develop the roadway to benefit the proposed subdivision.

Chairman, Eddie Dean stated a letter was received from the Department of Environmental Quality pertaining to the irrigation pond located at Woodberry Forest School; the letter asks that anyone with concerns about the issue will be given thirty (30) calendar days to provide a public comment regarding the pond (four tenths of an acre) to be used to irrigate the golf course.

Chairman, Eddie Dean explained the various requirements that had to be satisfied in order to attain the aforementioned requests (i.e. required buffers, exclusion of livestock along the river).

William L. Crigler verbalized concerns regarding a past case in which an applicant wanted to build a pond for irrigation and wondered if this would result in future confusion with different requirements being asked for the same type of request.

Lisa Kelley, County Administrator, suggested that Brian Daniel, Erosion & Sedimentation Administrator, look at the site; she also advised that the Department of Environmental Quality is basically looking for comments from individuals to provide any comments as to whether they feel the irrigation pond will impose an environmental impact on the area.

V. R. Shackelford, III, County Attorney, provided an overview of the site at Woodberry Forest School and commented about the strict requirements that are being sought by the Department of Environmental Quality.

Bob Miller stated the pond is not going to be utilized for storm water contingency which is what a past applicant (Mr. Sweeley) sought to install at his site.

Chairman, Eddie Dean recessed the meeting until 7:30 p.m.

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**7:30 P.M.: Meeting reconvened with Chairman, Eddie Dean calling the meeting to order and noted that all Board members are present.**

**IN RE: PUBLIC COMMENT**

Chairman, Eddie Dean then opened the floor for public comment; he asked that anyone desiring to give public comment about the Trigon Development case to please hold their public comment until discussion of that case begins after the general public comment. No public comment was provided

**IN RE: TRIGON DEVELOPMENT CASE NUMBER #Z-09-07-43 (Public Comment)**

John “Butch” Davies was present on behalf of Trigon Development and thanked the Madison County Board of Supervisors for their time in hearing criteria regarding the aforementioned case.

John “Butch” Davies stated at the last meeting, Mr. Coppedge agreed to provide a copy of the plat and proffers were also revised; he explained the intention was to create a change that would leave a portion of the acreage in the subdivision as agricultural (20 acres) and partially industrial on one side (sketch also denotes the agricultural portion of the property across the ravine and industrial on the west side of the property) – he stated the proffers were utilized to clarify that although the agricultural portion of the land is not a part of the rezoning request, the intent of the applicant is to develop the property into three (3) lots and a residue; however, the development on the property has not been capped at twenty-two (22) lots which will total twenty-six (26) lots on the property.

John “Butch” Davies provided additional information regarding the proffers for the (78) acres and felt it was important to be candid in the presentation as to how the developer intends to proceed with utilizing the property; concerns have been taken into consideration regarding the buffers (as denoted by the Madison County Planning Commission), an interest in there being no through traffic, and also concerns that there be no connecting of the roadway from Route 29, which was deleted.

John “Butch” Davies stated he feels the unanimous decision to proceed with the project on behalf of the Madison County Planning Commission was solely because of the density of the proposed site as the number of units noted under the original proffer (from 1998) created the potential to have a large number of units in the R-3 property zone.

In closing, John “Butch” Davies also stated issues that have been addressed pertain to the initial R-3 section being developed with a number of lots less than thirteen

(13) and the adjoining lots will then have individual residential units (adjusting to 22) and the agricultural property will continue to be developed with three (3) lots and a residue which will total twenty-six (26) lots; he also feels the benefit to the community is very positive.

Chairman, Eddie Dean commented on language contained in the second paragraph of a letter that was dated March 7, 2008 which states “an effort has been made to revise a proffer so the total number of lots developed is (26); this includes three (3) lots and a residue on the A-1 land with (22) lots to be developed on the land which is to be rezoned,” which he feels is presumptuous and implies that the Madison County Board of Supervisors will approve three (3) lots and a residue in lieu of no plans having been presented; therefore, he feels stating there will be (22) lots in the proposed rezoning and indicating there will be (26) lots is not actually a true statement .

John “Butch” Davies advised that he tried to explain this issue and also denoted the change in the proffers- he added the developer did not want to state there would only be (22) lots being done as there will be four (4) more lots added; therefore, he fully understands the concerns with regard to the language that has been used; however, it was not intended on the part of the developer to imply the Madison County Board of Supervisors was going to do anything out of context; the developer intended to fully show how the total of (26) lots was derived which will be the ultimate result of this effort..

In closing, John “Butch” Davies stated the language that includes the four (4) lots (3 plus residue) in the agricultural zone is not subject to the rezoning request being proposed.

Chairman, Eddie Dean asked if the request on the original rezoning application should also be amended to denote reduced acreage or if it sufficient to only be denoted in the proffers.

V. R. Shackelford, III, County Attorney, stated that a decrease can be denoted in the proffers, but should not address any future proposed future divisions of an A-1 property as a request of this type would be denoted as a subdivision request.

John “Butch” Davies stated the language in discussion can be deleted.

Chairman, Eddie Dean thanked John “Butch” Davies for attended tonight’s evening session.

Chairman, Eddie Dean then opened the floor for comments and requested that anyone providing a comment be concise and to only relay new comments.

Wyland Beckett, Jr. as present and stated he was in favor of the single family home development being proposed by Trigon Development, but feels the development of 217 apartment units would be the wrong thing to do.

Scott Perkins was present and stated that he was in favor of the single family development being proposed by Trigon Development; however, he feels the multi-family and low income housing isn’t the right thing for Madison as it will hinder the country setting.

Veronica Alexander was present and advised that she has resided in Madison County all of her life; she advised the reason she has remained in the County is because of the housing being spaced a good distance apart and no clutter; she stated that she is against having apartments developed as this would directly effect her house in Fox Ridge Subdivision and the driveway will be right beside her driveway.

Robert and Bonnie Carpenter were present and stated they like the small community of Fox Ridge Subdivision; he advised they have resided in Madison County for about (4) years (from Culpeper) and advised there were not in favor of an apartment complex and asked the Madison County Board of Supervisors to be careful and realize the impact apartment units will cause on the community and the children, law enforcement and services. Bonnie Carpenter stated she and her husband moved from Culpeper and are well aware of residents from Northern Virginia relocating in the area and building new homes; however, she stated they wanted to live in a rural setting and stated she doesn’t have a problem with allowing her children ride their bicycles in the subdivision, as there is a leash law – there is no fear of drugs being pushed on her children because most of the people in the subdivision are very similar and want to raise their family in a Christian home; she advised they are taxpaying citizens and they do not want apartments in their backyard and strongly suggested the Madison County Board of Supervisors weight all the options before making a decision on this application.

Johnny and Mary D'Martino were present and advised they feel Madison is a quiet, rural area and stated they were in favor of a single-family dwelling, but doesn't want an apartment complex. In closing, he advised they have a 15-year old daughter who loves to walk the subdivision and they feel safe in their environment – very much against the negative impact that apartments can bring.

Al Tartadley was present and stated he is very much against an apartment complex; he stated there will be additional traffic and advised he would like to keep the neighborhood just as it is.

Ross Ratten was present and asked if the rezoning request will dismiss the apartment buildings from being built in the future or if (22) homes can be built and a portion of the land that still remains in an R-3 zone allow this down the line.

Chairman, Eddie Dean stated the existing rezoning application will eliminate the R-3 which in turn will eliminate the construction of any apartments.

After receiving the aforementioned information, Ross Ratten stated he was in favor of Trigon Development's rezoning request.

Beth Pastore was present and stated she was against the rezoning request and advised the potential rezoning will set a bad precedence and read comments that she outlined in regard to notations contained in the County's Comprehensive Plan to maintain agriculture, forestry and primary land use within the County, limit residential development in agricultural zones, and to also ensure a wide variety of housing options within Madison County. She advised that she fully understands that other areas have given many the assumption that all apartment complexes are synonymous with unsafe/high traffic areas, but that doesn't necessarily have to be. In closing, she advised if these guidelines aren't considered, the County will lose the benefit of the protection the Comprehensive Plan might offer against any future developments initiated through litigation; she also provided an overview of plans the Madison County Planning Commission proposed for the property twenty (20) years ago and stated there are no more EDU's available in the County; she also urged the Board to consider all the issues before making a decision on this request.

Khalil Hassan was present and advised that he was in agreement with the assessment provided by Beth Pastore and stated he was involved in the development of

the County's Comprehensive Plan in how to address issues of providing affordable housing in Madison County; he advised there is housing needed for the workforce and the proposed development will not be the most feasible (with regard to pricing) with regard to what is outlined in the document.

Walton Thompson was present and stated he is the owner of the property being discussed; he stated he feels the County should get the best value out of the property and stated he wants to do what is "good" for the people of Madison County; he advised that he was not especially favorable of construction 170 units on the property but is willing to compromise.

Mary D'Martino was present and stated that she understands the dilemma of affordable housing and the request for density; however, she feels that what is affordable for some may certainly not be affordable for others; however, she advised that she does not believe a mass amount of apartments in a community that doesn't have a significant amount of local jobs is feasible; she stated she and her family moved into the community to enjoy a rural setting; however, they were unaware of not doing more research of the surrounding land and felt it was very difficult to build homes in Madison County. In closing, she stated if her family had known there would be a more dense community adjoining the subdivision in which they reside, they would not have bought a home here; she also indicated they are in favor of single family dwellings.

Melissa Gallimore was present and stated that she grew up in Madison County and likes the rural area in which she resides; she stated the proposed apartment site is in her backyard and is very much against them being developed. In closing, she feels that Culpeper County is a primary example of overgrowth and crowded schools, and feels that Madison County is fine the way it is.

Red Thompson was present and advised that he relocated from Woodbridge, Virginia; he advised that he likes the small down setting which is why he moved to Madison County and says "hell no" to apartments being built in the subdivision.

Bonnie Carpenter stated when she and her family moved to Madison County, she conversed with several of the teachers and found there were not enough teachers to teach the local students; she also advised there are a lot of times where several fundraisers are held to raise money to purchase supplies, books, etc. that are needed to assist with the

learning process; she also commented about the lack of a Noise Ordinance, the quantity of law enforcement personnel and wondered how 170 apartment units can be developed without a Noise Ordinance in place or a leash law for animals; feels much will have to change within the County if 170 apartment units are built here. She stated that she would rather see her taxes increase to provide for improved roads, etc. rather than see apartment units constructed in the subdivision.

Mark Honeywell was present and stated he feels the development of apartments will cause increased traffic which will affect children who enjoy riding their bicycles through the subdivision.

Khalil Hassan was present and verbalized concerns regarding the comments being made about people that live in apartments; he asked if houses are built, will someone determine how many people can reside in the dwelling or how large the family can be? He also stated there can be horrible people residing in a single-family dwelling as one residing in an apartment complex – he feels stated that Madison County is a diverse community and feels that by not providing living space for those who can't afford a single-family home is a disservice to the citizens of this County. He stated he understands the concerns of those present who have resided in a neighborhood that wasn't good, but he also stressed the property was zoned in a specific way for a reason several years ago – there are several citizens who prefer to live in a home but simply can't afford a home that even sells for \$150,000.00. In closing, he stated the opportunity to purchase an affordable home should be a possibility for all people.

Bob Miller asked if anyone present that resides in the Fox Ridge Subdivision explain to the Board where the idea developed that indicated apartments were going to be proposed for the property; he advised this information has not been disclosed to the Madison County Board of Supervisors in any manner.

Bob Miller stated the land was zoned twenty (20) years ago; he proceeded to read a statement from the meeting between the Madison County Planning Commission and the Madison County Board of Supervisors they made about the rezoning of the R-3 (27 acres) – “the intent for this zone for this project is for high land for development of a multi-family nature and of a possible mixed used of same to meet the growing need for low-cost and/or low-maintenance housing – the market is perceived as needing additional

rentable housing for the young, emancipated populous to encourage them to continue as residents of this County; to supply detached, moderately priced, purchasable units for young families and to accommodate the changing needs of those retired and elderly citizens who neither have the time, energy or desire to maintain a large residence by themselves and desire a closely knit community” etc. – for this zone, the principle is to proffer out uses designated as Article 6 (listed in the document); proposed uses will include two-family dwellings, multi-family dwellings, townhouses, private playgrounds, gardens and required utilities for the same...”

Additionally, Bob Miller advised the property has been vacant for twenty (20) years that three (3) of the citizens who took part in the writing of the aforementioned statement twenty (20) years are on the Madison County Planning Commission to date and were three (3) of the individuals who recommended this rezoning request be approved. However, he wanted to fully understand why those in attendance tonight feel there are apartment complexes being proposed for the property; he stated it is a requirement for the property to be served by public water and sewer, however, there is no public water or sewer available to that property as the capacity of the wastewater treatment center in Madison is at capacity and there are no available EDU's to be purchased and the existing waterline doesn't extend to that property.

Bob Miller also read an excerpt from the Madison County Comprehensive Plan with reference to affordable housing in Madison County and the median household income as denoted by the latest census that was conducted.

James L. Arrington verbalized concerns regarding the thought that apartments would be built on the property; he stated he has not heard of any proposal being brought before the Madison County Board of Supervisors and did not suspect such a request would be presented in the very near future based on the current market conditions; however, he stated he feels the mixed use of the (27) acres was something that was well thought and included in the updated Comprehensive Plan for Madison County; additionally, he advised there have been no compelling argument to change the R-3 rezoning as the community needs the ability to provide more affordable housing for the citizens of Madison County.

Clark Powers stated that he personally feels that affordable housing



should be constructed on the property.

Chairman, Eddie Dean reiterated that each Board member is verbalizing their own personal opinion and that making a decision on an issue such as what is being presented tonight is relatively complex and there has been a lot of thought. Additionally, he advised there will probably be another month or so before all questions pertaining to this request can be answered, as he (personally) doesn't feel comfortable in voting on this issue tonight; however, the decision will depend on the manner in which the majority of the Board votes.

William L. Crigler stated that he has mixed feelings about tonight's issue but fully agrees with what the adjoining landowners have verbalized as R-3 can be relocated at a later date; additionally, he stated the property is zoned as R-3 at the present and a developer can construct by-right should public water and sewer become available; however, should expansion of the sewer plant ever take place, it might be more desirable to situate and R-3 closer to that site as was done many years ago.

Bob Miller asked a question (of John "Butch" Davies) to indicate where it was noted in the Comprehensive Plan for Madison County that reducing zoning density was desirable; additionally, the letter that was presented indicated that financial contributions were made to the County in the way of original proffers although this was not noted in the new proffers to indicate any financial contribution(s) being made to the County.

Bob Miller also stated the Madison County Board of Supervisors has considerable responsibility to the citizens of Madison County to do what will best meet the needs of the local citizens and also keep the taxes in line; therefore, he questioned what John "Butch" Davies was implying in the written letter and suggested the Board request (based on Article 16 of the County's Zoning Ordinance) the applicant to present a fiscal impact study on tonight's proposal, to include a proposal for (26) units and to build a 170-unit apartment houses – this will provide the Board with a broader understanding of the fiscal impact.

After an extensive discussion, on motion of Bob Miller, seconded by Clark Powers, the Board voted to table Case Number Z-09-07-43 (Trigon Development) and as per Article 16 of the County's Zoning Ordinance, request the applicant to provide the

Board with a full fiscal impact study on the two (2) options (i.e. [26] housing units and a 170-unit apartment complex), with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

## **OLD BUSINESS**

### **HOOVER RIDGE PROJECT**

Lisa Kelley, County Administrator, stated that all work at Hoover Ridge has been completed and the construction contract is being closed out during the final billing session; she stated that additional funds were approved in December 2007 due to unexpected situations (i.e. topography, water piping, etc.) in the amount of \$60,000.00; however, she advised that an additional \$17,453.50 is needed (difference between original contract and amended contract is ten percent (10%) in order to sign off on the final payment with William A. Hazel, Inc. – additional amount is well within the contingency boundaries and was required after adjustments were implemented.

In closing, Lisa Kelley, County Administrator, advised the project was well managed by an efficient contractor and the contractor did not attempt to perform “tricky tactics” in the field after work began.

After discussion, on motion of William L. Crigler, seconded by Clark Powers, the Board approved \$17,453.50 as requested by Lisa Kelley, County Administrator, in order to close out the Hoover Ridge Project, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

### **IN RE: DIOCESE OF ARLINGTON (Request to waive bldg & tipping fees)**

Lisa Kelley, County Administrator, advised that a letter was received from the Diocese of Arlington to request that all building permit and tipping fees be waived during the 2008 Work camp program that they undertake in the County each year.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the Board authorized that all building permit and tipping fees be waived for the aforementioned organization during the Work camp 2008 session, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

#### **IN RE: MADISON MAIN STREET PROJECT**

Lisa Kelley, County Administrator stated that she met with representatives from LINCO and the Virginia Department of Transportation to determine a list of punch list items that the contractor will complete by no later than mid-June 2008 –some of the work will involve asphalt and concrete work that cannot be implemented until the weather gets warmer; although it is anticipated that work might begin sooner. All work items have been agreed upon as reflected by the Virginia Department of Transportation and she feels this will be final part needed to wrap up this portion of the project.

Lisa Kelley, County Administrator, advised that an audit will take place during the upcoming week on the aforementioned project.

Chairman, Eddie Dean asked if repaving will be done, to which Lisa Kelley, County Administrator, advised not entirely; however, an agreement has been attained which denotes reworking of patching will be needed along the edges where the pavement adjoins the concrete curbing and gutter work (smoothing, cleaning and resealing), which has been agreed to.

Lisa Kelley, County Administrator, advised the work will begin at the Madison Drug Store and representatives from the Virginia Department of Transportation will be present to inspect the work as it is being done – after the initial improvements are approved, the contractor will proceed from one location of the Main Street to the other(s).

Bob Miller stated the seals on the sewer are still below the paved roadway and asked Lisa Kelley, County Administrator, and V. R. Shackelford, III, County Attorney, who was responsible for installing adequate spacing.

Lisa Kelley, County Administrator, advised that she will look into this issue.

James L. Arrington asked if someone will communicate with Trigon Development as to what the Board will require for the fiscal impact study.

Lisa Kelley, County Administrator, advised that she will transmit examples to John “Butch” Davies of what is being sought.

V. R. Shackelford, III, County Attorney, also advised the request should be clarified as the language in the County’s Ordinance refers to a “developmental study” and advised the section also pertains to traffic.

After discussion, the Board asked Lisa Kelley, County Administrator, to forward a follow-up letter to Trigon Development to detail what is being sought.

Chairman, Eddie Dean informed all Board members that a copy of the Draft Budget will be available for pick-up tomorrow

V. R. Shackelford, III, County Attorney, reminded the Board of the Madison County Planning Commission Workshop session that is scheduled for Wednesday, March 19, 2008 at 7:30 p.m. – discussions will be held pertaining to the request made by Verizon.

Lisa Kelley, County Administrator, stated that V. R. Shackelford, III, County Attorney, has been given a copy of the budget calendar that was prepared by Teresa Miller, Finance Director – his assistance will be required to prepare the advertisements for the Madison Eagle.

V. R. Shackelford, III, County Attorney, stated there is a new law in effect for this year’s advertisement.

Chairman, Eddie Dean asked if the State of Virginia adopted a budget today, to which V. R. Shackelford, III, County Attorney, indicated they will reconvene again later in the week.

With no further action being required by the Board, on motion of James L. Arrington, seconded by Bob Miller, Chairman, Eddie Dean continued the meeting to Monday, March 17, 2008 at 9:30 a.m. at the Thrift Road Complex to discuss budgetary issues, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye

Clark Powers

Aye

Date: March 12, 2008